

TOWN OF VIENNA
TOWN COUNCIL WORKSESSION MEETING
Monday, February 14, 2011
8:00 P.M.

1. Town Hall HVAC Replacement
2. Proposed Amendments to Chapter 18 of Town Code
and definitions: building height, finished lot grade &
pre-existing lot grade

Melanie Clark

TOWN OF VIENNA
TOWN COUNCIL WORKSESSION ITEM
February 14, 2011
8:00 P.M.

ITEM NO. 1

Town Hall HVAC Replacement

BACKGROUND SUMMARY:

After the December 2010 Work Session discussion on this topic, Members of Council toured some Alexandria School properties with various types of HVAC Systems. Following the tour additional questions were raised by some Members of Council and it was determined that an additional Q & A with the Town's consulting engineers would be useful. It is our hope that a discussion can be made as to the type of system to be installed so that work can begin on the plans & specifications for bidding.

Ed Shea & Bill Luck from Wiley/Wilson will be present at the work session along with the Director of Public Works who is serving as the Town's project engineer for this work.

DOCUMENTS ATTACHED:

No new materials. Please bring previously distributed material to the meeting.

RECOMMENDATION:

Such action as Council deems advisable.

TOWN OF VIENNA
TOWN COUNCIL WORKSESSION ITEM
February 14, 2011
8:00 P.M.

ITEM NO. 2

Proposed Amendments to
Chapter 18 of Town Code
and definitions: building
height, finished lot grade &
pre-existing lot grade

BACKGROUND SUMMARY:

Attached is background information from the 1-3-11 Council Meeting on a proposal to amend Chapter 18, Section 4 of the Town Code and definitions relating to building height & grades. The council directed that this item be placed on a work session agenda for discussion and set a public hearing for February 28, 2011.


DOCUMENTS ATTACHED:

Back-up from January 3, 2011 Council Meeting

RECOMMENDATION:

Such action as Council deems advisable

Town of Vienna
Council Agenda Communication

 Print

<u>Date:</u> undefined 03, 2011 7	<u>Subject:</u> Set Date for Public Hearing on a Proposed Amendment to Chapter 18, Zoning, Section 4, Definitions, and pertaining to the revision of the term "Building Height" and the establishment of new definitions pertaining to the term "Finished Lot Grade" and "Pre-Existing Lot Grade."
<u>Agenda Item:</u>	

Originating Department:	Planning and Zoning
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EXPLANATION AND SUMMARY

This issue was first discussed in calendar year 2007 when then-Councilmember Lovelace expressed his concerns for the height of a new dwelling close to his residence. Subsequent to that point in time, a number of memorandums were prepared by the staff, and a number of review sessions took place with members of the Planning Commission and the Mayor and Town Council. The Town Attorney "assembled" these various comments into an ordinance amendment that was then considered by the Planning Commission at a work session on August 25, 2010.

The Planning Commission first considered the proposal at the first of three public hearings held on October 28, 2010. The staff reported that it remained the general consensus of all that foundations should not be "pulled out of the ground" simply for the purpose of accommodating, for example, at-grade walk-out basement entrances. It has also been the staff's desire to keep the definition and measurement process relatively simple so that the resulting daily administration process will also be relatively simple. For this reason, the staff has not proposed any deviations in the measurement of dwelling height, nor in its limitation by stories or by feet.

After also reviewing the proposed ordinance amendment during a public hearing of November 10, 2010, the Planning Commission closed the public hearing on December 8, 2010 and recommended approval, by a vote of 6-0 (McCoy, Womack absent with one vacancy) of 1) a revised draft of definitions for the terms "building height," "finished lot grade," and "pre-existing lot grade;" and 2) a pictorial diagram depicting the effect of all these terms--along with a 3-foot limitation on the deviation from pre- to post-lot grading--for single-family detached dwellings.

Documents Attached:	<input type="checkbox"/> Diagram of Building Height-Lot Grade Provisions 12-8-2010.pdf - Diagram of Building Height-Lot Grade Provisions_PC 12-8-2010 <input type="checkbox"/> Building Height-Lot Grade Provisions PC recom 12-8-2010.pdf - Building Height-Lot Grade Ordinance-PC Rec 12-8-2010 <input type="checkbox"/> 2009 BLDG-HTS JUXTAPOSITION.pdf - 2009 Building Heights Memorandum to PC
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Departmental Recommendation:	Noting the extensive amount of review and consideration by the Planning Commission in the development of their version of the ordinance draft and supporting diagram, the Director of Planning & Zoning recommends that the Commission's draft be advertised for consideration at a public hearing to be held on January 24, 2011.
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Finance Recommendation:	
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Purchasing Recommendation:	N/A
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Town Attorney Recommendation:	If the Town Council wishes to amend the Zoning Code of the Town of Vienna, a public hearing must be conducted. The Town Council may direct the Town Clerk to advertise the proposed amendments to the Zoning Code and set a date for a public hearing in its discretion.
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Town Manager's Recommendation:	
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Cost and Financing:

Account Number:

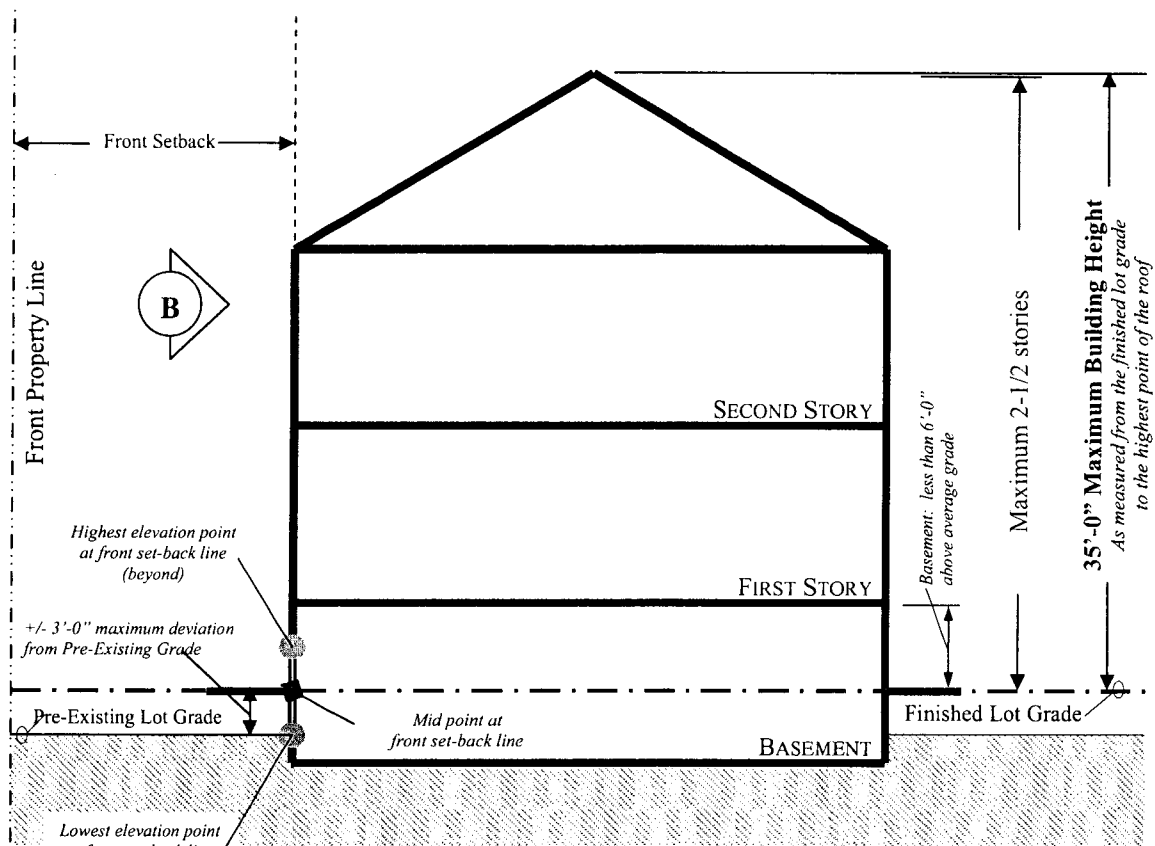
Decision Needed by This date:

PROPOSED/SUGGESTED MOTION

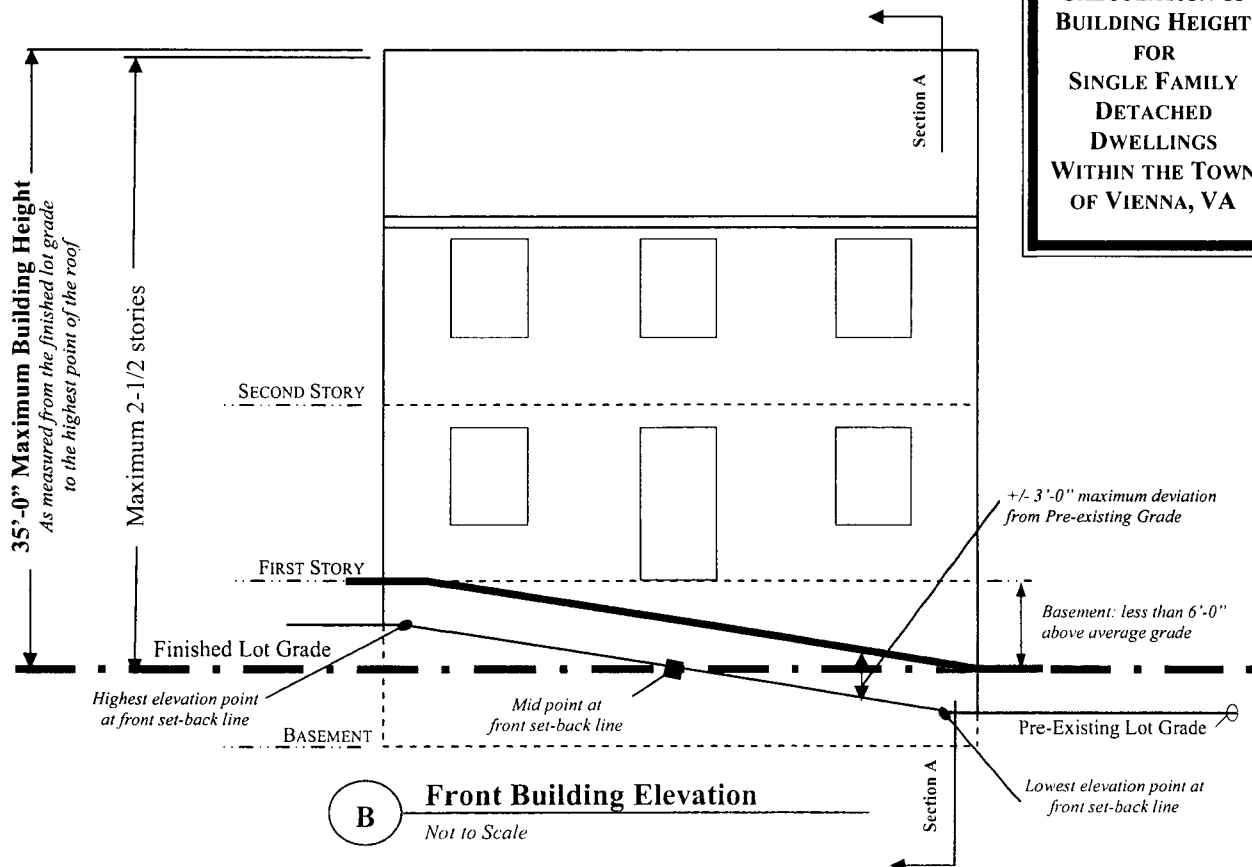
The Director of Planning & Zoning recommends that the Planning Commission's draft pertaining to 1) a revised draft of definitions for the terms "building height," "finished lot grade," and "pre-existing lot grade;" and 2) a pictorial diagram depicting the effect of all these terms--along with a 3-foot limitation on the deviation from pre- to post-lot grading--for single-family detached dwellings be advertised for consideration at a public hearing to be held on January 24, 2011.

OR

Other action as determined by the Mayor and Town Council.



A Building Section
Not to Scale



**CALCULATION OF
BUILDING HEIGHT
FOR
SINGLE FAMILY
DETACHED
DWELLINGS
WITHIN THE TOWN
OF VIENNA, VA**

B Front Building Elevation
Not to Scale

Town of Vienna Building Height Provisions

(Version Recommended by the Planning Commission on December 8, 2010)

Note: For convenience, all existing definitions in the current Zoning ordinance, as well as all proposed definitions, are in ALL CAPS. Deletions to the current definitions are shown with strike-through font. Explanatory notes in italics follow the draft text. Currently defined terms in the code are set forth in footnotes.

Town of Vienna Definition under §18-4

BUILDING HEIGHT: The vertical dimension measured from ~~the average elevation of the~~ FINISHED LOT GRADE ~~at the front of the building~~ to the highest point of the roof.

Proposed Amendment 1: New Definition(s)

FINISHED LOT GRADE: For the purposes of measuring building heights under this Ordinance, finished lot grade shall be:

1.a. In general – For any PRINCIPAL BUILDING¹, the FINISHED LOT GRADE is the PRE-EXISTING LOT GRADE, calculated as the vertical mid-point between the highest and lowest elevation points along the front set-back line.

1.b. Exception for SINGLE FAMILY DWELLINGS– For a SINGLE FAMILY DWELLING², the FINISHED LOT GRADE at any point on the lot may deviate from the PRE-EXISTING LOT GRADE by no more than three (3) vertical feet at any point along the PRE-EXISTING LOT GRADE.

2. For any ACCESSORY BUILDING³– the lowest point of elevation point adjacent to any wall of the structure.

PRE-LOT EXISTING GRADE: “Pre-Existing Lot Grade” means the elevation of the lot that exists prior to the issuance of any Grading, Demolition, or Building Permit, or any other activities associated with the removal or rebuilding of the existing principal structure.

¹ §18-4 defines PRINCIPAL BUILDING as follows:

PRINCIPAL BUILDING: A building in which is conducted the main or principal use of the lot on which said building is located.

² §18-4 defines SINGLE FAMILY DWELLING as follows:

DWELLING; SINGLE-FAMILY: A detached building designed or used exclusively for occupancy by one (1) family (or family equivalent).

³ §18-4 defines ACCESSORY BUILDING as follows

ACCESSORY BUILDING: A subordinate building or a portion of the main building the use of which is incidental to that of the principal use of the main building.

Explanatory Notes

As a general matter, this draft attempts to limit the number of terms used in the definitions, and to clearly identify all terms used. New definitions in the Code are limited to the following three:

- *Building Height: Revised.*
- *Finished Lot Grade: New. See below for explanation.*
- *Pre-Existing Lot Grade: New.*

In addition, this draft tries as much as possible to use terms that are already defined in the code.

Other major proposed changes include:

- *With one exception (discussed below), there is one definition for finished lot grade to apply to measuring the building height of all principal buildings (all types of dwellings as well as other principal buildings, including commercial). We don't see the need to have a separate definition of finished lot grade for multi-family dwellings or non-dwelling structures.*
- *After much discussion and consideration of other alternatives, the Planning Commission recommends that the finished lot grade should be measured along the front set-back line. The use of the front set-back line (as opposed to the front yard or the whole lot) is based on several considerations:*
 - *It is easy to define and easy for builders to locate*
 - *The front of the principal street is where the perceived height of the building matters most.*
 - *This means that on a naturally upsloping lot, the height will be lessened somewhat from what would be allowed if the whole lot were used, whereas the height would be increased somewhat if it were a natural downsloping lot. For side-to-side sloping lot, the use of the front set-back line versus the whole lot generally should result in the same building height, as long as the side-to-side slope at the front set-back line approximates that of the lot as a whole.*
- *There is one exception to the use of the undisturbed pre-existing grade as the point of measurement, and that is for single family dwellings only. For such buildings, the draft allows for a change of plus or minus three vertical feet from the natural grade or pre-existing lot grade. This exception provides some flexibility for grading low lying lots. We have not heard of any reasons to extend the three foot exception to other types of principal buildings or accessory buildings.*
- *For accessory buildings, to make things simple, we simply define the point from which to measure building height as the lowest point of elevation adjoining any wall of the structure. This eliminates the need to calculate averages, decide which wall, or what point on the lot to take the measurement, etc. Since accessory buildings are small and don't have the issue of trying to create walk-out basements, we think that this is easy to administer and imposes no undue hardship, even on sloping lots.*



MEMORANDUM

TO: Planning Commission

FROM: Director of Planning & Zoning *G. Hembree*

DATE: August 3, 2009

SUBJECT: Appendix Document – Pictorial Essay: Old and New Dwellings, Building Heights

During one of my recent “windshield tours” through the Town, I decided to take a few pictures to help illustrate the types of building height issues that have been under consideration for the past few years.

The following two pictures provide a good representation of the size of new dwellings in comparison to older existing dwellings first constructed when the area was originally subdivided. These homes are located at 101 (foreground) and 103 Harmony Drive, SE:



Residences at 404 East Street SE (foreground), and 619 Welles Street SE



In other documentation, the staff has provided copies of documents that have been studied and reviewed by the Mayor and Town Council for approximately two years. Most of the discussion has centered on the term “building height” and its current definition as found at § 18-4 of the Town Code:

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof.

The current Town Code maximum height requirement for single-family detached residential dwellings is specified at §§ 18-16, 18-25 and 18-34 as two and one-half stories or 35 feet in height. To determine where the first story begins, the term *basement* is also utilized:

BASEMENT: A portion of a building, partly underground, which has more than one-half (1/2) its height measured from finished floor to finished ceiling above average grade of the adjoining ground and not deemed a story unless the ceiling is six (6) feet or more above the average grade.

The term *building height* is also illustrated on the following page:

As indicated in my cover memorandum, Councilmember Lovelace has requested that the Planning Commission review the Fairfax County proposal that was current on July 6, 2009. At that time, the proposal was to measure building heights from the existing property grade or altered grade, whichever was lower in elevation.

A pictorial representation of potential problems with that proposal follows:

The existing dwelling and current lot grades at 201 Tapawingo Road SE:



Commissioners will note how the existing residence sits “in a bowl” well below the curb line of Park Street SE, and the adjoining dwelling at 203 Tapawingo Road SE.

Parcels with significant grades, found throughout Northeast Vienna and in parts of the Northwest portion of the Town would present a real challenge for compliance with the stricter grade interpretation. The issue of nonconformity with regulations that have been in existence for 47 years is also a real consideration for any proposed ordinance amendment.

The next picture illustrates two methods of dealing with a significant grade. The first set of homes was constructed about a decade ago and places each house significantly below the street line. The second set of homes was built within the last two years with the builder choosing to elevate the homes to a point that is about one foot beyond the street line. Each of the four properties conforms to the Town’s area requirements for single-family detached residential dwellings.

Existing homes at 218 (foreground), 220, 300 and 302 Park Street NE:



Pictures follow of two dwellings that were originally determined to be too tall in accord with our height verification procedures. The owner of the house on the left (410 Berry Street SE) is now seeking a height and lot coverage variance from the Board of Zoning Appeals. The dwelling on the right (405 Welles Street SE) was corrected through an alteration in the roof trusses (note the flat roof area to the rear of the dormer).



Finally, pictures of dwellings where compliance with height requirements has been achieved through elevating the average grade through retaining walls, floor beds, etc.:

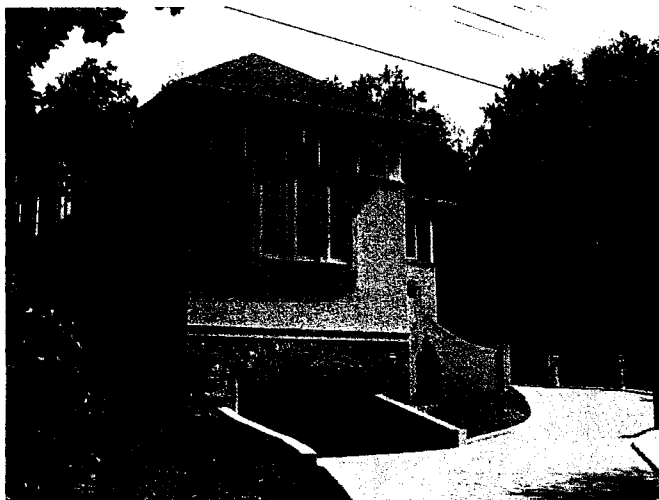


← 350 Ayr Hill Avenue NE

225 Locust Street SE →

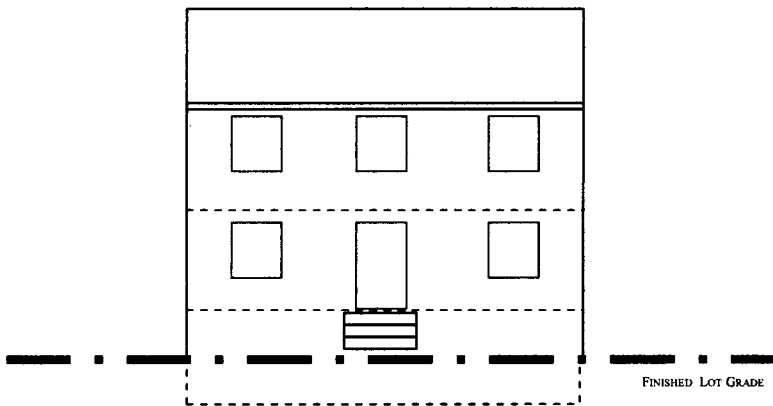


208 McHenry St SE →



Site Analysis

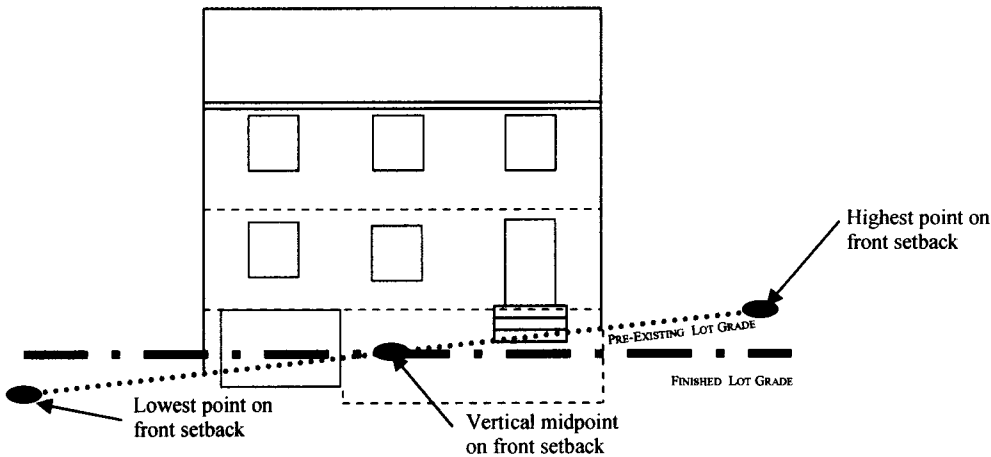
ELEVATION



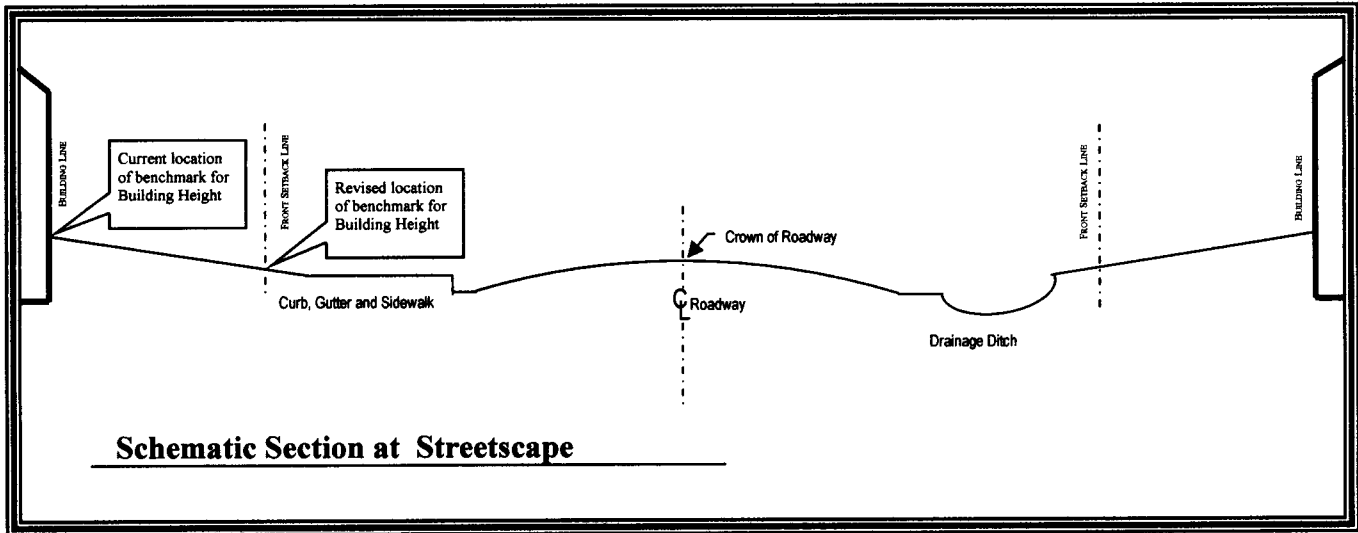
**POTENTIAL OUTCOME FROM
PROPOSED PLANNING COMMISSION
CHANGES TO SECTION 18-4
BUILDING HEIGHT & LOT GRADE
AS SEEN IN EXAMPLES OF
SINGLE FAMILY DETACHED
DWELLINGS WITHIN THE
TOWN OF VIENNA, VA**

*As prepared for February 14, 2011
Work Session for the
Mayor and Town Council*

Flat Site



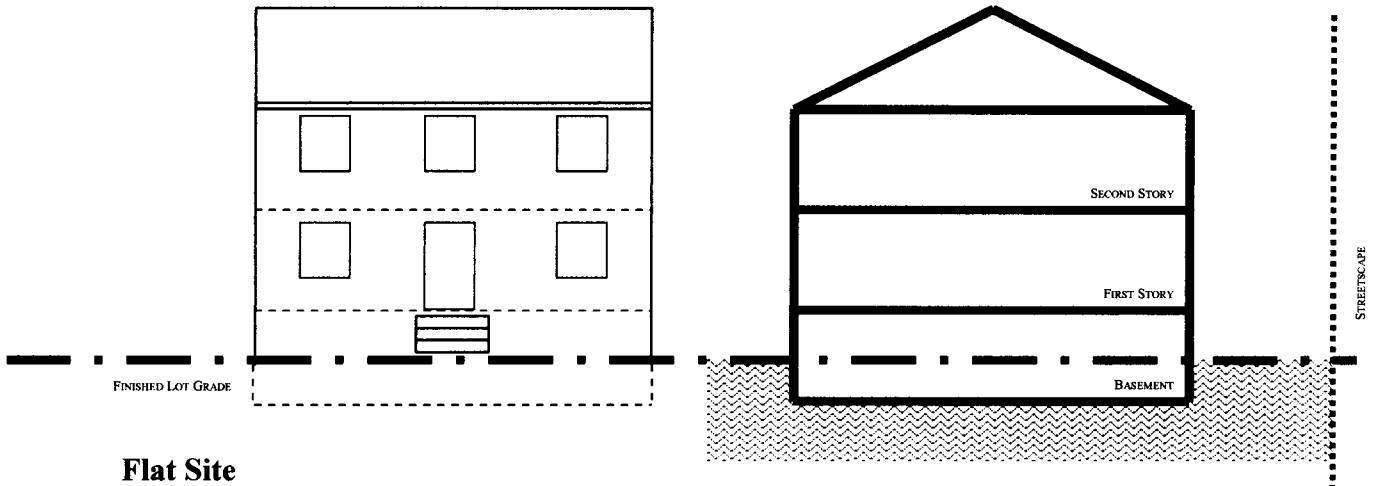
Slope at street



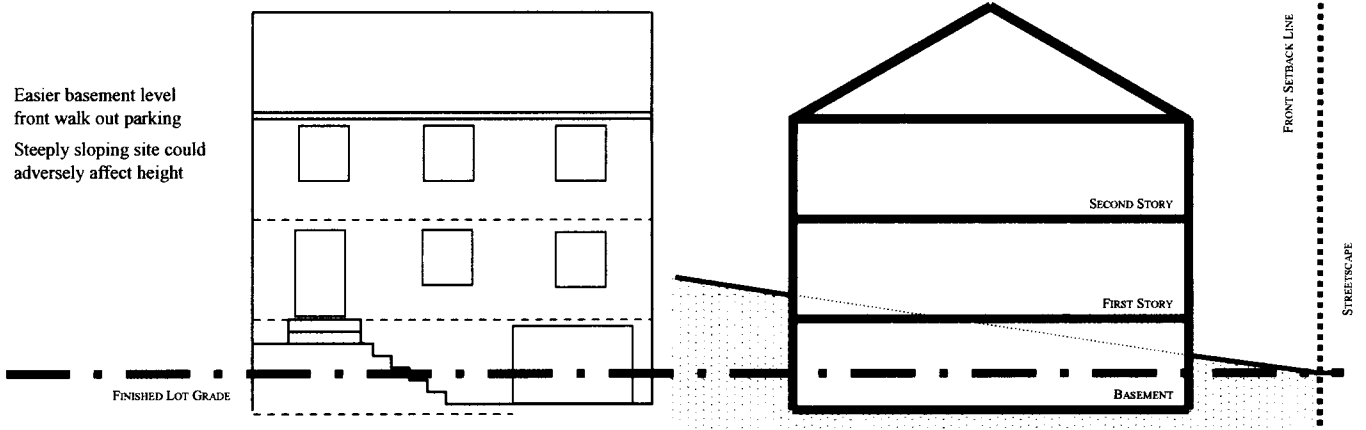
Schematic Section at Streetscape

ELEVATION

SECTION

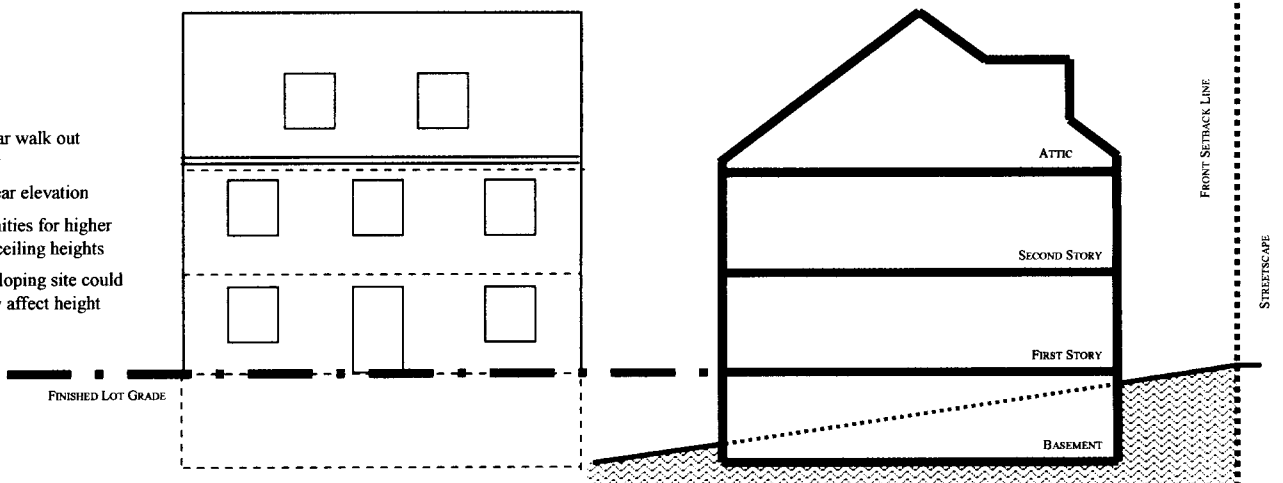


- Easier basement level front walk out parking
- Steeply sloping site could adversely affect height



Slope-up from street

- Easier rear walk out basement
- Higher rear elevation
- Opportunities for higher roofline/ceiling heights
- Steeply sloping site could favorably affect height



Slope-down from street

*As prepared for February 14, 2011
Mayor and Town Council Work Session*

Site Cross Sections

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(Version Recommended by the Planning Commission on December 8, 2010)

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ACCESSORY BUILDING: A subordinate building or a portion of the main building the use of which is incidental to that of the principal use of the main building.

TOWN OF VIENNA, VA.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Code of Virginia and the Town of Vienna, Virginia, the Town Council will conduct a Public Hearing on Monday, February 28, 2011, beginning at 8:00 p.m., in the Council Room, Town Hall, 127 Center Street, South, on the following:

Proposed ordinance to amend Chapter 18, Zoning, Article 4, Definitions, Section 18-4 by adding the new definition "Lot Grade" for single-family detached dwellings, all other principal structures and accessory structures, and limiting the alteration of existing grades in single-family detached zones to not more than 3 vertical feet.

At said Public Hearing any and all interested persons will be given an opportunity to speak in favor or in opposition to the cited amendment. Copies of all pertaining documentation are available in the Office of the Town Clerk, and may be viewed Monday through Friday during regular working hours, 8:00 a.m. through 4:30 p.m.

BY ORDER OF THE TOWN COUNCIL

Melanie J. Clark, CMC
Town Clerk

The Washington Examiner

Publication Dates: February 16, 2011 and February 23, 2011

TOWN OF VIENNA, VA.

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BY ORDER OF THE TOWN COUNCIL
Melanie J. Clark, CMC
Town Clerk

February 16, 23, 2011 709295

TOWN COUNCIL
CLOSED SESSION
AGENDA

Monday, February 21, 2011

7:00 p.m. Closed Session for discussion or consideration of personnel matters, specifically, the replacement of the Town Manager.

Certification Motion, February 21, 2011

“I move that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened this date, February 21, 2011, the Town Council met for purposes of discussion or consideration of personnel matters, specifically, the replacement of the Town Manager.”

“I further move the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.”

“I further move the Closed Session be continued to February 28, 2011 at 7:15 p.m., in accordance with Virginia Code Section 2.2-3711.A(1) for purposes of discussion or consideration of personnel matters, specifically, the selection of the future Town Manager.”